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June 11, 2001

VIA HAND DELIVERY

Magalie Roman Salas, Esq.
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Room TW-A325
Washington, D.C. 20554

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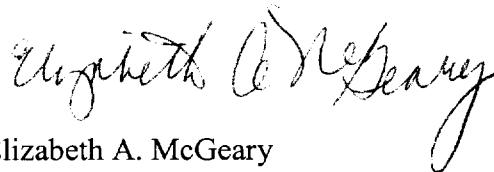
Re: EB Docket No. 01-66 /
RM-9156; RM-9215
Comments of Cox Broadcasting, Inc.

Dear Ms. Salas:

On behalf of Cox Broadcasting, Inc. ("Cox"), we submit herewith an original and four copies of Cox's comments regarding the *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System* EB Docket No. 01-66.

Please contact the undersigned if you have any questions about this submission.

Respectfully submitted,


Elizabeth A. McGeary

Enclosures

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List A B C D E

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)	
)	
Amendment of Part 11 of the)	EB Docket No. 01-66
Commission's Rules Regarding the)	RM-9156
Emergency Alert System)	RM-9215

To: The Commission

COMMENTS OF COX BROADCASTING, INC.

Cox Broadcasting, Inc. ("Cox"), by its attorneys, hereby submits its Comments in response to the FCC's *Notice of Proposed Rulemaking* in the above-captioned proceeding.¹ Through subsidiaries and affiliates, Cox owns, operates, or provides sales and marketing services for fifteen commercial television and eighty-three commercial radio stations licensed to communities of various sizes throughout the United States. Each of these stations is proud to do its part in making the Emergency Alert System ("EAS") a success at the local, regional, and national levels. Cox supports several proposals outlined in the *Notice* that it believes will enhance the overall capabilities and effectiveness of the EAS.

In particular, Cox supports those proposals that give greater control over the development and use of the EAS system to the state and local EAS officials charged with developing local EAS plans. Cox believes that providing local officials with this authority would strengthen the EAS and enable participating EAS stations to better serve the public interest in their communities of license. Cox believes that this can be done without creating any substantial

¹ In the Matter of Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System, *Notice of Proposed Rulemaking*, EB Docket No. 01-66, RM-9156, RM-9215, FCC 01-88 (rel. March 13, 2001) ("*Notice*").

economic burdens for participating EAS stations, and that, in any case, the costs will be far outweighed by the benefit to the public of receiving better, faster information regarding local, state, and national emergencies.

In all its EAS deliberations, the Commission should be guided by the principle that EAS should be all that its participants, driven by the interests of the public, can make it be. Therefore, the Commission should not shy away from authorizing local experimentation and should tailor its equipment requirements to preserve maximum flexibility at the local level, where the vast majority of EAS messages are relevant. At the same time, all changes should be made with an eye toward ensuring that changes made at the local level do not undermine the system's fundamental goal of remaining capable of delivering national emergency messages from the President to the public quickly and efficiently.

I. THE COMMISSION SHOULD ADOPT CHANGES TO THE EAS CODES THAT ACTUALLY INCREASE THE EAS'S CAPACITY WHILE GUARANTEEING FLEXIBILITY AT THE STATE, LOCAL, AND STATION LEVEL.

A. Cox Supports Additional Location Codes and NWS's Proposed Naming Conventions.

Cox endorses changes that will ensure that the EAS is capable of carrying the greatest number of messages from the greatest number of sources to the greatest number of people. For this reason, Cox wholeheartedly supports the establishment of the new location codes outlined in the *Notice*.² The addition of the location codes covering maritime areas, and the creation of a "whole country code," promise to increase the reach and capability of the EAS system and to provide early warning of emergencies to members of the public who do not currently receive it.

Likewise, Cox supports both NWS's proposed naming convention and its request that the NWS originator code be changed from WXR to NWS. Both of these changes promise to bring

² *Notice* at ¶¶ 13-16 and Appendix B.

greater rationality to the EAS code list. This will increase understanding of the system among participating EAS station personnel and thereby promote compliance and full participation.

B. Cox Supports Some Additional Event Codes and Increased State and Local EAS Authority Over Introducing Future Code Changes.

With respect to the event code changes proposed in the *Notice*, Cox believes the Commission should consider adopting only those additional codes that represent emergencies that occur throughout the country while leaving to local EAS authorities the task of assigning codes for specifically local emergencies. Cox believes that although EAS's fundamental purpose is facilitating a national Presidential address in a time of crisis, the heart of the system's everyday use is at the local level. For this reason, Cox suggests that rather than adopt an entire new set of event codes as suggested by the National Weather Service and proposed in the *Notice*,³ the Commission should adopt only those additional proposed event codes that warn of events likely to happen in any area of the country. The Commission should then institute its alternative proposal to allow state and local EAS authorities, with the cooperation of local broadcasters and equipment manufacturers to develop additional event codes.⁴

The current list of event codes set out in the Commission's Rules encompasses those disasters that are fairly universal in nature.⁵ Several of the recommended additions share this universal character. These include Civil Danger Warning and Watch (CDW and CDA), Fire Warning (FRW), Hazardous Materials Warning and Watch (HMW and HMA), Law Enforcement Warning (LEW), Local Area Emergency (LAE), Missing Child Statement (MIS),

³ *Notice* at ¶ 11.

⁴ *Notice* at ¶ 21.

⁵ 47 C.F.R. § 11.31(e). Hurricane and Tsunami Warnings are the obvious exceptions.

National Hazard Warning (NHW), Radiological Hazard Warning and Watch (RHW and RHA), School Closing Statement (SCS) and Shelter in Place Warning (SPW).⁶

Many of the recommended additions, on the other hand, involve situations that are unlikely to occur in many, if not most, areas of the country. For instance a radio station in Delaware should not be required to have equipment that is programmed to receive Volcanic Ash Warnings. Similarly, a television station in Nebraska should not be required to have EAS equipment programmed to receive Coastal Flood Warnings. Cox believes that local EAS authorities are best equipped to decide whether their local areas require event codes for avalanches, dam breaks, dust storms, and the like. Therefore, the Commission should adopt the proposed code changes that make sense as national requirements and leave the task of developing event codes for localized emergencies to state and local EAS authorities.

Adopting policies allowing maximum flexibility at the local level will ease the administrative burden on the Commission, relieving it of the necessity of conducting future rulemakings to amend the state and local EAS protocol codes further. In addition, placing this authority at the local level is likely to encourage citizen, station, and local government involvement, making the EAS an available vehicle for serving local and national emergency needs.⁷

⁶ Notice at Appendix A.

⁷ A good example of the kind of local innovation that the Commission can expect if it encourages local involvement is evident in the early-filed *Comments of the Oklahoma Amber Plan Committee*, EB Docket No. 01-66, RM-9156, RM-9215 (filed May 31, 2001). If local EAS authorities have greater discretion to introduce new codes at the state and local levels, organizations such as the Oklahoma Amber Plan Committee will not need to come to the Commission to request that new codes be added for specific local events.

II. THE COMMISSION SHOULD ENCOURAGE LOCAL EXPERIMENTATION IN DEVELOPING THE EAS'S TEXT TRANSMISSION CAPACITY.

Cox also supports the Commission's state and locally centered approach to the Society of Broadcast Engineers' ("SBE") suggestion regarding augmentation of the EAS's text transmission capacity.⁸ SBE suggests that this augmentation should occur through the Commission's adoption of a specific protocol for text transmission that would be added to the Part 11 Rules. In the *Notice*, however, the Commission expressed concern whether sufficient field testing of SBE's text protocol has been conducted to justify embodying it in a rule.

Cox is in full agreement with SBE that the EAS's text transmission capacity should be expanded to enable the widest possible distribution of EAS messages – particularly among the hearing impaired. Cox, however, believes that the best way to achieve this goal is to permit local EAS authorities to experiment with different text transmission methodologies. These authorities are best able to determine the needs of their communities and coordinate the distribution of emergency information to vulnerable communities. Cox agrees that such a course likely would lead to an industry standard for EAS text transmissions in the future, and, should that occur, the Commission may wish to revisit the issue of making text transmission part of the Rule-mandated EAS. In the meantime, allowing local experimentation would allow state EAS programs to begin work to enhance the text capacity of the EAS, without compromising the Commission's concerns about mandating a new EAS feature that has not been field tested sufficiently.

⁸ *Notice* at ¶ 25.

III. THE COMMISSION SHOULD ALLOW BROADCASTERS TO SUBSTITUTE AN ALTERNATIVE AUDIO FEED FOR ANY NATIONAL PRESIDENTIAL MESSAGE.

Cox supports the SBE's proposal to allow broadcasters to carry their own live audio feed of any presidential message in lieu of the audio feed received over the EAS.⁹ As SBE has noted, sound quality of the EAS audio feed will be inferior to what broadcasters likely will be able to provide, and requiring broadcasters to carry the EAS audio feed could make it impossible to synchronize the audio and video feeds of any Presidential address.¹⁰ Giving broadcasters the flexibility to carry alternative audio of a Presidential address will serve the ends of the EAS and the public interest.

Currently, Section 11.51 of the Commission's rules requires that all national participating EAS stations transmit and relay all national EAS messages.¹¹ It is essential that the Commission maintain the requirement that stations relay EAS messages from station to station so that all national participating stations gain access to a Presidential message. At the same time, however, the Commission easily can amend the rule to allow stations that have the technical capability to override the EAS audio feed and substitute one from another source.

Because allowing stations to transmit their own audio feed will not interfere with stations' relay responsibilities, the Commission will maintain the integrity of the EAS system and ensure that all national participating stations have the capacity to broadcast a national Presidential message. By allowing technically capable broadcasters to provide an otherwise derived audio feed, the Commission will allow those broadcasters to enhance their service to the

⁹ Notice at ¶ 28.

¹⁰ Notice at ¶ 28.

¹¹ 47 C.F.R. § 11.51 (a)-(b).

public by providing a high-quality audio feed of the address, presumably linked to an equally high-quality video feed. If no alternative feed is available, the EAS feed will be universally distributed among national participating EAS stations and will be available for broadcast. As with the local flexibility proposals for which Cox has expressed support, giving participating stations a greater number of options in this regard is likely to increase local acceptance, involvement and participation in EAS.

IV. THE COMMISSION SHOULD AMEND ITS TEST RULES TO PERMIT A SIXTY MINUTE RELAY WINDOW.

Finally, Cox supports the Commission's proposal to allow stations sixty rather than fifteen minutes to retransmit the Required Monthly Test ("RMT") message.¹² Cox agrees that the scheduling flexibility that will be gained will promote monitoring stations' acceptance of the RMT and of EAS in general. Cox notes that the Commission adopted the 15 minute window for the RMT to "fully test the system just as if it were being used for an [actual] EAS alert."¹³ This "practice like you play" directive makes sense as far as it goes, but the reasonable accommodation of broadcasters' scheduling needs made by an increase in the relay window is likely to encourage increased compliance with the RMTs, which only can lead to a greater knowledge of the workings and capabilities of the EAS on the part of station personnel. Therefore, extending the relay window likely will move the EAS system toward fulfilling its overall goal that if and when a national EAS activation is necessary, all stations will be ready to participate.

¹² Notice at ¶ 22.

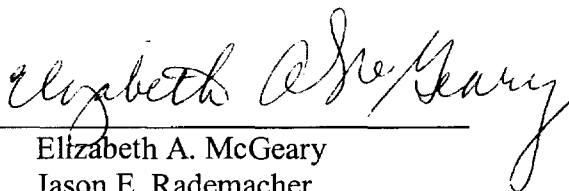
¹³ In the Matter of Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Broadcast System, *Report and Order and Further Notice of Proposed Rulemaking*, 10 FCC Rcd 1786, 1825-26 (1995).

Conclusion

Cox commends the Commission on its ongoing attention to the EAS, and the care with which it has treated the proposals currently before it. Cox shares with the Commission the desire to make the EAS as capable as possible of furthering the public's essential interest in being promptly and fully apprised of local, state, and national emergencies. Therefore, Cox supports those proposals outlined above that are designed to increase the capacity of the EAS to provide more easily accessible and easily understood emergency information to the general public, and to make EAS compliance simpler and more manageable for participating stations.

Respectfully submitted,

COX BROADCASTING, INC.

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